

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

18-mj-5275-MJR

JEFFREY RICHARDS,

Defendant.

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**MOTION TO ADJOURN THE RULE 48(b) DISMISSAL DATE AND FOR  
ADDITIONAL EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

THE UNITED STATES OF AMERICA, by and through its attorney, James P. Kennedy, Jr., United States Attorney, Brendan T. Cullinane, Assistant United States Attorney, of counsel, hereby moves the Court for an adjournment of the Rule 48(b) dismissal date set for April 22, 2019, and for additional exclusion of time under the Speedy Trial Act. Counsel for the defendant, David R. Addelman, Esq., consents to and joins in the relief sought herein.

DATED: Buffalo, New York, April 17, 2019.

JAMES P. KENNEDY, JR.  
United States Attorney

BY: s/BRENDAN T. CULLINANE  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716/843-5875  
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**AFFIDAVIT**

STATE OF NEW YORK     )  
COUNTY OF ERIE        )     SS:  
CITY OF BUFFALO        )

**BRENDAN T. CULLINANE**, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and assigned to my office's case file in the above captioned matter. This affidavit is submitted in support of the government's motion to adjourn the Rule 48(b) dismissal set for April 22, 2019, at 11:00 a.m. and for additional exclusion of time under the Speedy Trial Act. The adjournment will also give counsel for the defendant, David R. Addelman, Esq., sufficient time to provide the effective assistance of counsel.

2. On March 23, 2019, the Court scheduled April 22, 2019, as the Rule 48(b) date in this matter. See Doc. No. 11.

3. Since that date, the parties have continued to discuss a plea resolution in this matter. However, the defendant's attorney, Mr. Addelman has recently undergone medical procedures. Indeed, as recently as April 15, 2019, Mr. Addelman traveled out of state for a medical evaluation and, therefore, has been and continues to be unavailable to appear in Court on behalf of Mr. Richards.

4. The government, with the consent of the defendant's counsel, now moves to adjourn the Rule 48(b) dismissal date for a period of approximately thirty (30) days to permit the parties to continue pre-indictment plea negotiations. By this affidavit, the government, with the consent of counsel for the defendant, moves for an exclusion of speedy trial time from and including April 22, 2019, to and including May 22, 2019, pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (h)(7)(B)(iv), and Rule 5.1 of the Federal Rules of Criminal Procedure.

5. The defendant's interest in continuity of effective assistance of counsel, all while continuing plea negotiations with the government and reviewing voluntary discovery, outweighs the interest of the defendant in a speedy trial. Based on the foregoing representations, the exclusion of time in this matter is in the interest of justice and not contrary to the interests of the public and the defendants in a speedy trial pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv), and Rule 5.1 of the Federal Rules of Criminal Procedure.

**WHEREFORE**, for all of the foregoing reasons, it is respectfully requested that the Rule 48(b) dismissal date be set for May 22, 2019, and that the time from and including April 22, 2019, to and including May 22, 2019, be excluded from the Speedy Trial Act.

s/BRENDAN T. CULLINANE  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
716/843-5875  
Brendan.Cullinane@usdoj.gov

Subscribed and sworn to before me

this 17th day of April, 2019.

s/LISA M. QUEST  
COMMISSIONER OF DEEDS  
In and for the City of Buffalo, New York.  
My Commission Expires Dec. 31, 2020.